

REMARKS/ARGUMENTS

Claims 1-21 stand rejected in the outstanding Official Action. Claims 1, 8 and 15 have been amended and therefore claims 1-21 remain in this application.

Claims 1-3, 8-10 and 15-17 stand rejected under 35 USC §102(e) as being anticipated by Kouznetsov (U.S. Patent 6,029,256). Applicants believe that it is possible the Examiner has misunderstood either Applicants' claims or the teaching of the Kouznetsov reference in conjunction with this rejection.

Applicants' invention is to distinguish between two completely different situations. The first situation is one in which a detected virus can be removed from a file (cleaned) and any changes made by the virus reversed (repaired) such that the file is identical to its original form. The second situation is one in which the virus can be removed from the file (cleaned), but that changes made in the file by the virus cannot be reversed (repaired) such that the file is not identical to the original form. The present invention detects the latter situation and generates an appropriate warning.

The Kouznetsov citation does not distinguish between "cleaning", i.e., the removal of a virus, and "repairing," i.e., putting the computer program file back into the original condition. Applicants have amended claim 1 to more positively recite under U.S. patent claiming practices the invention which is discussed in the last paragraph of page 6 of Applicants' specification. The referenced portion of Applicants' specification allows the user to determine whether merely "cleaning" the file is sufficient or whether an attempt to "repair" the file is in order. This distinction is drawn by Applicants' warning generating logic as set out in each of Applicants' independent claims 1, 8 and 15.

The Examiner appears to confirm that Kouznetsov, at column 5, lines 43-50, is only concerned with “whether an infected file can be cleaned.” Later in the paragraph, Kouznetsov suggest that “if the value is non-zero, the file can be repaired.” Kouznetsov uses the words cleaning and repairing interchangeably. As will be apparent to the Examiner after a review of Applicants’ specification, the terms “cleaning” and “repairing” are two completely different actions, as noted above.

Applicants’ invention is to distinguish between files that can be cleaned and not repaired and those files which can be cleaned and repaired. Applicants’ invention provides a warning for detection of viruses of the type that can be cleaned but cannot be repaired or reversed. This aspect of Applicants’ invention is simply not present in the Kouznetsov reference at all, as Kouznetsov uses the term “cleaned” and “repaired” interchangeably.

As a result of the above, Kouznetsov clearly fails to teach Applicants’ claimed warning generation logic as set out in claim 1, the warning generation step of claim 8 or the warning generator of claim 15 and therefore cannot anticipate claims 1, 8 and 15 or any claims dependent thereon. Accordingly, any further rejection of claims 1-3, 8-10 and 15-17 under 35 USC §102 is respectfully traversed.

Claims 4, 11 and 18 stand rejected under 35 USC §103 as being unpatentable over Kouznetsov in view of Lipton (U.S. Patent Publication 2001/0033657). The Examiner’s attention is directed towards 35 USC §103(c) which states that subject matter which qualifies as prior art only under subsection (e) of §102 “shall not preclude patentability under this section where the subject matter in the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

Applicants note that Network Associates Inc. is the assignee of the Kouznetsov reference,

which was the predecessor in interest to Networks Associates Technology, Inc. Accordingly, pursuant to 35 USC §103(c), Kouznetsov is not available as a reference against claims 4, 11 and 18 under 35 USC §103.

The rejection of claims 4, 11 and 18 is based upon Kouznetsov combined with Lipton, but the primary reference is not available, and therefore the rejection of claims 4, 11 and 18 can only be based upon Lipton itself. There is no allegation that Lipton discloses or renders obvious all the limitations of Applicants' dependent claims 4, 11 and 18. Therefore, any further rejection thereunder is respectfully traversed.

Claims 7, 14 and 21 stand rejected under 35 USC §103 as unpatentable over Kouznetsov in view of Togawa (U.S. Patent 5,918,008). As noted above, Kouznetsov is not available as prior art in a rejection under 35 USC §103, and there is no allegation that Togawa by itself teaches or renders obvious the subject matter of Applicants' claims 7, 14 and 21. Therefore, any further rejection thereunder is respectfully traversed.

Claims 5, 6, 12, 13, 19 and 20 also stand rejected under 35 USC §103. This time the rejection is based upon Kouznetsov, Lipton and Waldin (U.S. patent 6,094,731). Again, as noted above, Kouznetsov is not available as prior art for a rejection of any claims under 35 USC §103 in this application. The Examiner has failed to allege that Lipton and Waldin by themselves (without reference to Kouznetsov) teach or render obvious the subject matter of claims 5, 6, 12, 13, 19 and 20. As a result, there is simply no support for the Examiner's rejection of these claims and any further rejection thereunder is respectfully traversed.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1-21 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or

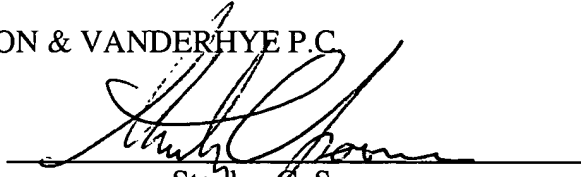
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January 19, 2005

personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicants' undersigned representative.

Respectfully submitted,

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